

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAUREL ROGERS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:09-CV-288-WKW
)	
CITY OF MONTGOMERY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Jaurel Rogers brings this action against Defendants City of Montgomery and Jeffery L. Davis, alleging race discrimination and retaliation under Title VII and state-law assault and battery. (Compl. (Doc. # 1).) This cause is before the court on Defendants' Motion for Summary Judgment (Doc. # 40) and the Magistrate Judge's Report and Recommendation, recommending dismissal of the case (Doc. # 46). On July 27, 2010, Mr. Rogers filed what appears to be an objection to the Recommendation. (Doc. # 48.) Defendants subsequently filed a motion to strike the objection. (Doc. # 49.)

The Magistrate Judge's Report and Recommendation clearly states that objections to the Recommendation were due by July 26, 2010, and warns that "[f]rivolous, conclusive or general objections will not be considered by the District Court." (Doc. # 46, at 18.) Mr. Rogers' objection, filed one day after the deadline, merely challenges Defendants' version of the facts and complains that his version of the facts has not been considered by this court. The court notes, however, that Mr. Rogers has not given the court an opportunity to do so,

as he failed to respond to Defendants' motion for summary judgment, failed to appear at the pre-trial conference, and failed to support his most recent filing with any evidence or legal authority. Furthermore, Mr. Rogers fails to identify the specific findings in the Recommendation to which he objects. Therefore, the court finds that – in addition to being late – the objections are frivolous and conclusory, and will not be considered. Accordingly, it is ORDERED that Defendants' motion to strike the objections (Doc. # 49) is GRANTED.

Upon a thorough and independent review of the record and the Magistrate Judge's Recommendation, it is further ORDERED as follows:

- (1) The Recommendation of the Magistrate Judge (Doc. # 46) is ADOPTED;
- (2) Defendants' motion for summary judgment (Doc. # 40) on Mr. Rogers' federal claims is GRANTED;
- (3) the court declines to exercise jurisdiction over Mr. Rogers' state law claim and said claim is DISMISSED, without prejudice, pursuant to 28 U.S.C. § 1367(c)(3);
- (4) Defendants' motion for summary judgment (Doc. # 40) on Mr. Rogers' state law claim is DENIED, as moot; and
- (5) this case is DISMISSED with prejudice as to all federal claims.

A final judgment will be entered.

DONE this 3rd day of August, 2010.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE